

REMARKS

The Office Action of June 5, 2001, has been reviewed, and in view of the foregoing amendments and following remarks, reconsideration and allowance of all pending claims in the application are respectfully requested.

A. 35 U.S.C. §102(b) Rejection

Claims 9-11 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 3,469,950 to Mackley ("Mackley") entitled "fixed-bed catalytic operations". The rejection is respectfully traversed. It is well established that to anticipate a claim, a reference must disclose every element of the claim. *Verdegaal Bros. v. Union Co. of California*, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987). Moreover, the identical invention must be shown in as complete detail as in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ 2d 1913 (Fed. Cir. 1989).

Applicants respectfully submit that Mackley does not include all of the limitations of amended claims 9-11 or new claims 12-13. For example, Mackley does not disclose the limitations of amended independent claim 9 and new independent claim 12 that as the top layer of the fixed bed fouls, bypassing an increasing amount of the feedstock to the bottom layer.

The Mackley device is not pressure drop driven or controlled. In Mackley, the bypass flow into the basket is not restricted but it is essentially open. On the contrary, the flow into the bypass device of the present invention is controlled so that an increasing amount of the feedstock is directed through the bypass device into a lower unfouled layer of the fixed bed.

One embodiment of the present invention method includes the use of a bypass device having a bypass tube (also referred to as a second elongated hollow member) disposed within a cage member (or a first elongated hollow member). The bypass tube may protrude through the top wall of the cage member and extend above the catalyst bed. The

bypass tube provides a flow restriction into the cage and thus regulates the flow of the feedstock into the cage. Thus, unlike Mackley, the flow of the feedstock through the bypass device increases as the top of the catalyst bed fouls.

The absence of even a single claim limitation in a prior art reference defeats anticipation. Here, Mackley fails to disclose at least the above limitations of independent claims 9 and 12. For at least this reason, it is respectfully submitted that Mackley does not anticipate claims 9 and 12 and claims 10-11 and 13 depending therefrom, respectively.

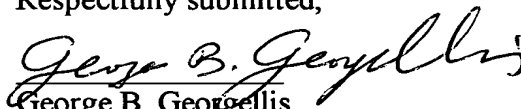
B. Objection to the Specification

In view of the above amendments to the specification Applicants request reconsideration and withdrawal of the objections to the specification. The amendments add no new matter.

CONCLUSION

This Amendment places the application in condition for allowance. If the Examiner believes that prosecution and allowance of the application will be expedited through an interview, whether personal or telephonic, the Examiner is invited to telephone the undersigned with any suggestions leading to the favorable disposition of the application.

Respectfully submitted,


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